

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF ARKANSAS
PINE BLUFF DIVISION**

STEPHEN MARSH

PLAINTIFF

V.

NO. 5:07CV00120

**CORNELL ALEXANDER YOUTH
SERVICES CENTER, et. al.**

DEFENDANTS

ORDER

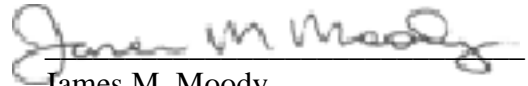
Pending is Defendants' motion to dismiss. (Docket #57). Plaintiff failed to respond. Defendants propounded interrogatories and requests for production of documents on or about October 1, 2007. Plaintiff did not respond to these discovery requests. On November 26, 2007 the Defendants filed a motion to compel discovery. On December 14, 2007 the Court granted Defendants' motion to compel. Plaintiff was directed to provide full and complete responses to Defendants' discovery requests on or before January 2, 2008. Plaintiff did not comply with the Court's Order.

Local Rule 5.5(c)(2) provides that if any communication from the Court to a *pro se* litigant is not responded to within thirty days, the case may be dismissed without prejudice. More than thirty days have passed since the entry date of that Order, Plaintiff has not responded to the Court's Order nor provided the responses to the Defendants as ordered by the Court.

Under these circumstances, the Court concludes that this case should be dismissed without prejudice for failure to comply with Local Rule 5.5(c)(2). *See Miller v. Benson*, 51 F.3d 166, 168 (8th Cir. 1995) ("District courts have inherent power to dismiss *sua sponte* a case for failure to prosecute, and we review the exercise of this power for abuse of discretion.") *See also*, Fed. R. Civ. P. 41(b).

IT IS THEREFORE ORDERED that Plaintiff's Complaint (docket entry #2) be and it is hereby DISMISSED WITHOUT PREJUDICE.

IT IS SO ORDERED this 31st day of January, 2008.

A handwritten signature in cursive script, appearing to read "James M. Moody", written in black ink on a white background.

James M. Moody
United States District Judge